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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/714,411	11/13/2003	Yiu Ching Liu	PCI 010	2034
25866	7590	03/09/2006	EXAMINER	
STEVEN J. ADAMSON, PC P.O. BOX 5997 PORTLAND, OR 97228			BRADEN, SHAWN M	
			ART UNIT	PAPER NUMBER
			3727	

DATE MAILED: 03/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/714,411	Applicant(s) LIU, YIU CHING	
	Examiner Shawn M. Braden	Art Unit 3727	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-19 and 21-28 is/are rejected.
- 7) ☒ Claim(s) 14 and 20 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date: ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 8 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is unclear what applicant is trying to claim with the statement "wherein said one of said shell and said handle include a protrusion", it is unclear to examiner if applicant intends to claim a protrusion in one, both, or one and both the shell and handle.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 rejected under 35 U.S.C. 102(b) as being anticipated by Bridges (USPN 5,029,720).

With respect to claim 1, Bridges shows a liquid holding member (10) formed of plastic with no visible seam, a separately formed handle (12) that is coupled to said liquid holding member at a bottom region, and a base member (30).

3. Claims 1,2,4,9,10,16,22-28 are rejected under 35 U.S.C. 102(b) as being anticipated by Walls (USPN 3,369,687).

With respect to claim 1, Walls shows a liquid holding member (11) formed of plastic with no visible seam, a separately formed handle (90) that is coupled to said liquid holding member at a bottom region, and a base member (20)(fig. 8).

With respect to claim 2, Walls shows a fastener, the clip between member (16) and (18) is considered a single fastener, coupled through said base member (20) to said liquid holding member (11) in a manner that secures said handle (90).

With respect to claim 4, Walls shows, a handle (90) that has a first end that is coupled to said liquid holding member (10) and a opposing end that is free standing and configured for being held by a user.

With respect to claim 9, Walls shows a liquid holding member (10), a handle (90) having a first end that is coupled to said liquid holding member at a bottom thereof, a base member (20) provided substantially below said liquid holding member (10) and a single fastener (the clip between member (16) and (20) is considered a single fastener) that secures said liquid holding member, said handle and said base member

With respect to claim 10, Walls shows a fastener, the clip between member (16) and (18) is considered a single fastener, coupled through said base member (20) to said liquid holding member (11) in a manner that secures said handle (90).

4. Claims 22-28 rejected under 35 U.S.C. 102(b) as being anticipated by Liu (USPN 6,237,801).

With respect to claim 22, Liu shows a shell (110) formed of plastic, a lining (120) formed separately from said shell and positioned at least in part within said shell (110), a handle member (135) extending from a base region of said vessel, and a base member (the bottom of outer shell (110)) fixedly coupled to at least one of said shell (110) and lining (120) in such a manner as to secure said handle. Examiner views element (110) to have the applicants disclosed structure of both the outer shell and also simultaneously a base member. Examiner defines base member as the foundation member, and the base member (110) originates from the ground and is the only support structure that separates the remaining components from the ground.

With respect to claim 23, Liu shows there is no visible seam on the exposed exterior surface of said shell (fig. 1).

With respect to claim 24, Liu (fig. 3) lining (120) depicts the symbol for metal (MPEP 608.02).

With respect to claim 25, Examiner considers the shell (120) and the bottom of shell (110) to be considered the base. Then said handle (135) has a first end that is coupled between said shell (110) and the bottom of shell (110) to be considered the base.

With respect to claim 26, Liu (fig.3) lining (120) and base (the bottom of outer shell (110)) both depict the symbol for metal (MPEP 608.02). Also lining (120) has a top lip (125) that extends over the top edge of said shell (110) and said base member has a bottom lip that extends beyond a bottom edge of said shell, Examiner considers the

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bottom of shell (110) to have the same structure and recitation as a lip defined by applicant.

With respect to claim 27, Liu shows a non-skid pad (180) coupled to said base member (the bottom of outer shell (110)).

With respect to claim 28, Liu shows a single fastener (170) that securely holds said lining (120), shell (110), handle (135) and base member (the bottom of outer shell (110)).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 3,5,6-8,10-15,17-21 rejected under 35 U.S.C. 103(a) as being unpatentable over Walls (USPN 3,369,687) in view of Liu (USPN 6,237,801).

Walls discloses the invention substantially as claimed. However Walls does not disclose the liquid holding member includes a shell and a separately formed lining.

Liu teaches a liquid holding member includes a shell and a separately formed metallic lining in the analogous art of containers for the purpose of thermal insulation.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to replace the liquid holding member (10) of Walls with the liquid

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holding member of Liu's that includes a shell and a separately formed metallic lining, for the purpose of improved thermal insulation. The combination would have the shell and lining of Liu and the base and handle of Walls.

With respect to claims 3,11,12,13,17,18,19 Walls as applied above shows a liquid holding member of Liu's that includes a shell a of plastic with no visible seams and a separately formed metallic lining.

With respect to claims 6,15,21, Walls as applied above shows a single fastener (the clip between member (16) and (20)) that secures said lining (as applied above), shell (as applied above), handle and base member (20).

With respect to claim 7, Walls as applied above shows the lining has a top lip (125) of Liu, that extends over the top edge of said shell (110) of Liu, and said base member (20) of Walls, has a bottom lip (24) of Walls, that extends beyond a bottom edge of said shell (110) of Liu.

With respect to claim 8, Walls as applied above shows said handle (92) includes a protrusion (93) engages a corresponding recess (16) of the shell.

Allowable Subject Matter

7. Claims 14,21 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shawn M. Braden whose telephone number is (571)272-8026. The examiner can normally be reached on Mon-Thurs 8-6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Newhouse can be reached on 571 272-4544. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SMB


JES F. PASCUA
PRIMARY EXAMINER